

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL DAVIS-GUIDER,

Plaintiff,

-v- 17-cv-1290

CITY OF TROY, et al.,

Defendants.

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DANIEL J. STEWART  
December 5, 2022  
445 Broadway, Albany, New York

FOR THE PLAINTIFF:

BRETT H. KLEIN, ESQ.  
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New York, New York 10007

FOR DEFENDANT RENSSELAER COUNTY:

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FOR DEFENDANT CITY OF TROY

PATTISON SAMPSON GINSBERG & GRIFFIN PLLC.  
BY: Michael Ginsberg, Esq.  
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1                   COURT CLERK: We are back on the record. The  
2 case is Michael Davis-Guidor versus City of Troy and  
3 others, case number 17-cv-1290.

4                   Please state your appearances for the record.

5                   MR. KLEIN: Brett Klein, for the plaintiff.  
6 Good afternoon, Judge.

7                   THE COURT: Good afternoon.

8                   MR. FIRTH: Your Honor, William Firth, on  
9 behalf of Dr. Sikirica and Rensselaer County.

10                  THE COURT: Good afternoon to you.

11                  MS. GIFFORD: Your Honor, Rhiannon Gifford  
12 from Pattison, Sampson, Ginsberg & Griffin, on behalf of  
13 the City of Troy, Ronald Fountain, Danielle Coonradt,  
14 Charles McDonald, and Tim Colaneri.

15                  THE COURT: Good afternoon.

16                  MR. GINSBERG: Mike Ginsberg of Pattison,  
17 Sampson, Ginsberg and Griffin, for the same defendants,  
18 your Honor.

19                  THE COURT: All right. Thank you. So we have  
20 presently pending in this case a motion for summary  
21 judgment on the issue of liability and on the issue of  
22 qualified immunity.

23                  Rhiannon, why don't I have you summarize the  
24 position of the City defendants.

25                  MS. GIFFORD: Yes, your Honor. Thank you.

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1                   The City defendants' position, as detailed in  
2 our brief, is that there's no genuine issue of material  
3 fact in this matter. There was an indictment to proceed  
4 with the prosecution against Mr. Davis-Guider. This  
5 matter does not involve any sort of confession or nature  
6 that is similar to Thomas.

7 The issue here is that the plaintiff  
8 essentially seems to dispute about four statements that  
9 were made at the grand jury presentation to support his  
10 theory that there was perjury or police misconduct to  
11 overcome the probable cause created by the indictment.

12 We submit that those four statements that he  
13 relies upon are, one, not false. There's no evidence to  
14 indicate that they were false or made with the intent to  
15 deceive or lie; they're in response to the material  
16 facts statement that was submitted by the plaintiff. We  
17 detailed extensively additional evidence that supports  
18 why Detective Fountain made those statements to the  
19 grand jury and to prove that they are not false.

20 There's no indication or evidence submitted by  
21 the plaintiff to create a question of fact as to any  
22 police misconduct or inappropriate behavior that caused  
23 the prosecution to proceed or the arrest from the grand  
24 jury indictment to be improper.

25 For -- I think for this, it's a little

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1 difficult because there are four different police  
2 officers that are charged with -- or accused of  
3 misconduct by the plaintiff but they kind of had  
4 different roles and need to be analyzed individually.  
5 For example, Danielle Coonradt, she was the responding  
6 officer on the scene. She obtained a single statement  
7 of essentially an excited utterance from the plaintiff  
8 when she arrived on scene and asked what happened.

9 At that point in time, Officer Coonradt had no  
10 idea that the child would be declared deceased at any  
11 point. She had no idea that a crime had actually even  
12 occurred. She was just arriving in response to the 911  
13 call made by Mr. Davis-Guidor. He -- the plaintiff  
14 repeatedly claims that she falsified the statement that  
15 he made guessing or saying that it was 11:00 when he had  
16 woken up.

17 I submit that that's not only not false,  
18 there's evidence she has maintained and consistently  
19 testified to that statement, was in her police reports,  
20 but it's not relevant. It's not relevant because when  
21 Detective Fountain was presenting to the grand jury, he  
22 even said and conceded the plaintiff said maybe he woke  
23 up maybe 11 or 12 but he wasn't really sure. There were  
24 no clocks, there were no phones available for him to be  
25 precise about it.

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Simply recording a statement that was made and putting it in the record as she received it cannot overcome or serve as evidence that she knowingly and intentionally falsified a statement. There's just no evidence to support that contention. Ms. Parker even said herself that Mr. Davis-Guider had alluded to or potentially even being 11:00 wake-up, but he wasn't certain.

15 And turning to Charles McDonald and Tim  
16 Colaneri, they are kind of in a similar boat where  
17 there's really no allegations of impropriety made  
18 against them. There's no threats. There's no coercion.  
19 They didn't really do anything. They testified before  
20 the grand jury. I believe McDonald maybe testified at  
21 one pretrial hearing but didn't testify at trial. Those  
22 two officers really had no involvement in the  
23 prosecution at all and were not involved in any sort of  
24 improper police conduct in furtherance of obtaining the  
25 grand jury indictment that created the probable cause.

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1                   THE COURT: Okay.

2                   MS. GIFFORD: Detective Fountain was the only  
3 individual who testified at the grand jury, and as  
4 stated, plaintiff's claims really center around the four  
5 misstatements that he asserts were made by Fountain;  
6 however, the plaintiff's arguments are his own  
7 conjecture in response to what Fountain testified to at  
8 the grand jury.

9                   Case law in this Circuit mandates that a plus  
10 factor be presented. Some sort of corroborating  
11 evidence outside of the grand jury testimony to support  
12 his claim that Fountain lied or that it was a competing  
13 version of events.

14                   Competing versions of events are not evidence  
15 in and of itself of lying or improper misconduct before  
16 the grand jury, and this is important in the context of  
17 noticing that Fountain is entitled to ultimate, I mean  
18 absolute immunity for his grand jury testimony.

19                   The plaintiff did not make any claims or  
20 accusations about police misconduct by Fountain outside  
21 of anything that was said during the grand jury  
22 testimony, and as the case law cited in our briefs,  
23 *Rehberg and Bonds versus City of New York* makes clear  
24 the Court can't over -- the plaintiff must come forth  
25 with that plus factor to try to take the testimony from

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1 the grand jury outside of the absolute immunity grounds  
2 that he's entitled to.

3 THE COURT: Okay.

4 MS. GIFFORD: And if -- unless the Court has  
5 any other questions, I believe we will rely on the  
6 briefs for the arguments.

7 THE COURT: No, I understand your argument.

8 Mr. Firth.

9 MR. FIRTH: Thank you, your Honor. As  
10 Rhiannon pointed out and the Court is well aware, we're  
11 dealing with another case that has a presumption of  
12 probable cause by virtue of the grand jury indictment.

13 Plaintiff was required again to come forward  
14 with evidence of -- on the part of Dr. Sikirica in terms  
15 of suppressing evidence, committing perjury --

16 THE COURT: What was the basis for  
17 Dr. Sikirica testifying that the fractured ribs were  
18 caused by someone with large hands?

19 MR. FIRTH: I believe that it was reported to  
20 him, your Honor, that that's what had occurred.

21 THE COURT: Who reported that to him?

22 MR. FIRTH: As I stand here now, Judge, I'm  
23 not sure. I'm not sure if it's in our statement of  
24 facts or in our papers. I'm not certain where that  
25 information came from.

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1                   THE COURT: I understand you're standing in  
2 for Crystal.

3                   MR. FIRTH: Yeah. That was my case. I  
4 probably should just go home, you know. But that  
5 doesn't correlate the -- that doesn't correlate with  
6 Mr. Davis to -- in terms of these injuries. It was  
7 reported to him as a matter of fact. It didn't  
8 influence his cause of death determination or manner of  
9 death determination.

10                  THE COURT: Well, it influenced who the grand  
11 jury is going to indict. If he says it was caused with  
12 someone with large hands and the testimony was that  
13 Mr. Davis-Guidor had large hands, you know, I'm not sure  
14 where it came from. I'm not sure what the -- what  
15 the medical basis for that is.

16                  MR. FIRTH: Well, Judge, nobody else --

17                  THE COURT: If somebody has a purple hand that  
18 caused this and there was only one person who has a  
19 purple hand, you know -- I'm just trying to figure out.

20                  MR. FIRTH: I'm sorry I can't answer that.  
21 But the fact remains that he was the only one home alone  
22 with V.D. at the time. And even if he did indicate that  
23 in his report --

24                  THE COURT: What about the other people who  
25 did the -- the CPR chest compressions on the child?

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1 MR. FIRTH: Sure.

2 THE COURT: I mean, how do -- what's the  
3 evidence that it was -- it was caused by something that  
4 he did as opposed to them?

5 MR. FIRTH: He didn't say that it was caused  
6 by Mr. Davis at all.

7 THE COURT: How do they know that someone with  
8 large hands was the one who caused the fracture of the  
9 ribs and the severing of the liver?

10 MR. FIRTH: How did he know that it was  
11 Mr. Davis?

12 THE COURT: How does he know someone with  
13 large hands?

14 MR. FIRTH: I don't think that he does know  
15 that it was someone with large hands. I think he just  
16 talks about it anecdotally -- anecdotally in his report,  
17 and for purposes of Dr. Sikirica, I'm not sure it  
18 matters, Judge, because how would that amount to a  
19 constitutional violation? It's just something that he  
20 put in his report. You know, the inclusion of that is  
21 not what fueled this prosecution against Mr. Davis. He  
22 was the only one with V.D. at the time.

23 And plaintiff also takes issue with the fact  
24 that he did not mention in his autopsy report the number  
25 of compressions that were applied. He does certainly

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1 indicate that there was a history of -- of CPR, and he  
2 testified before the grand jury that these were not  
3 CPR-related injuries. He could not have been more  
4 clear, and he even testified to the fact that this was  
5 something -- these injuries are something that you'd  
6 expect to see only in the case of a car accident but no  
7 other accident would result in these types of injuries.

8 THE COURT: Okay.

9 MR. FIRTH: You know, and also along these  
10 same lines, Judge, the prosecution was aware of the  
11 number of compressions, defense team was aware of the  
12 number of compressions, and it was -- it was ferreted  
13 out at the trial and at the grand jury testimony again  
14 that these were not CPR-related injuries. They were  
15 caused by blunt-force trauma.

16 And again, Mr. Davis was the only one who was --  
17 only one who there was. There's been no indication that  
18 anybody else was there. And in the absence of any  
19 evidence contrary to having, you know, an accident be  
20 the basis of this, they move forward the prosecution.  
21 This was Dr. Sikirica's medical judgment, again, in his  
22 experience in conducting over 10,000 autopsies, that  
23 these were severe injuries. The injury to the liver  
24 just could not have happened from CPR.

25 Did he get it wrong? Probably not, Judge.

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1 But, you know, at most, that would be negligent.

2 Certainly not amount to fraud or suppression of  
3 evidence -- of evidence required to overcome the  
4 presumption of probable cause in this case.

5 And, your Honor, I could continue. Let me  
6 just touch base briefly on the conspiracy claim. The  
7 plaintiff refers -- Brett, very respectfully, rather  
8 uniquely, your Honor, he does not have much to work with  
9 here to, quote-unquote, at least a tacit agreement with  
10 Troy P.D. and prosecutors to label this as a homicide.  
11 There's just no evidence of that. There's a lot of  
12 speculation, circumstantial evidence at most.

13 And the *Monell* claim against the county relies  
14 on two cases, *McElheny* and *Thomas*. Certainly the *Thomas*  
15 case does not put the county on notice that Dr. Sikirica  
16 would require additional supervision and the *McElheny*  
17 case relies on the inadmissible news article, nothing  
18 more, and those talk about dueling medical witnesses,  
19 which is at the very heart. Medical judgments, medical  
20 opinion, not -- not a constitutional tort.

21 Unless Your Honor has any specific questions,  
22 I will rely on my brief for the remainder.

23 THE COURT: No, I think I'll hear from  
24 Mr. Klein at this point in time.

25 MR. FIRTH: Thank you, your Honor.

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1                   MR. KLEIN: Thank you, Judge. Your Honor,  
2 Michael Davis was arrested and prosecuted in a case  
3 where there was, again, in the light most favorable to  
4 Mr. Davis, similar to a case earlier today, the Thomas  
5 case, no crime.

6                   Mr. Davis testified consistently, stated to  
7 police consistently on the day of the death of V.D. what  
8 happened, that she was not feeling well for a couple of  
9 days, that she awoke -- she was sick that morning, I  
10 think diarrhea, went back to sleep and was then  
11 unresponsive. He tried calling 911, but didn't have a  
12 phone that worked in the house. Tried to do some chest  
13 compressions himself, maybe four or five at most and  
14 then went and made a call and then he -- police and his  
15 girlfriend, the mother the child, all came back.

16                   What happened here was not a crime.

17 Plaintiff's expert also -- the -- the same expert as in  
18 Thomas, the deputy county medical center from Erie  
19 County had -- will testify to the jury that to a  
20 reasonable degree of medical certainty this was a sudden  
21 unexplained death, phenomenon occurs, that the blood  
22 present in the liver was not consistent with -- with the  
23 child bleeding out from that before CPR was attempted,  
24 and on and on as set forth in our papers.

25                   THE COURT: So why isn't, as Mr. Firth said,

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1 why isn't that competing medical testimony rather  
2 than -- is your doctor saying that Dr. Sikirica  
3 falsified an autopsy?

4 MR. KLEIN: Right. So -- so this -- similar  
5 to the pattern that we have seen, Judge, Davis and  
6 McElheny, this is a case where we go through this  
7 extensively in our papers, without any link of this  
8 death whatsoever to Mr. Davis other than that he's  
9 present when she's found unresponsive, no other  
10 reason -- no reason to think which is not probable cause  
11 to arrest. It's -- it's mere presence at the scene  
12 of -- in this case, as in Davis and other cases, where  
13 there's a natural causes death in the light most  
14 favorable to the plaintiff.

15 And Dr. Sikirica, within hours of meeting with  
16 the police, getting their statement of their interview  
17 with him where he describes his three or four or five  
18 CPR attempts with his large hands, says on the death  
19 certificate this is a homicide.

20 And that starts a chain of events that is  
21 foreseeable that Mr. Davis and Dr. Sikirica acknowledges  
22 that by calling this a homicide, that this set of chain  
23 of events that would likely result in grand jury action  
24 and a murder charge, and he would not -- and  
25 Dr. Sikirica concedes that this is bias cascade that we

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1 have seen in other cases, started with the information  
2 given to him by police.

3 So it's not that we're saying per se it's  
4 improper for the medical examiner to get information for  
5 their forensic review of a death to evaluate all the  
6 factors. It's certainly -- we have cited the medical  
7 examiner standards. It's not recommended but -- but  
8 beyond that, what's -- the issue in this case is  
9 different.

10 Is it -- is there an inference that a  
11 reasonable jury could credit that Dr. Sikirica was given  
12 this story from the police, their suspicions of a  
13 homicide, and he basically crafted his determination  
14 without regard for natural causes.

15 THE COURT: What proof do you have of that?  
16 He's obviously denied it. I mean, Second Circuit is  
17 pretty clear about conspiracies, that there's got to be  
18 some proof with regard to it.

19 MR. KLEIN: We do have -- we do lay out,  
20 Judge, in our -- in our papers, I believe, that there  
21 were labs or swabs done to determine if there were  
22 natural causes potentially contributing just like in the  
23 Thomas case, where there were -- there was evidence  
24 of streptococcus pneumonia that came back. I believe  
25 similarly here there were tests that were done or could

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1 have been done but Dr. Sikirica deemed this a homicide  
2 after speaking with the police. There's no -- even if  
3 that's the case, there's no reason to think Michael  
4 Davis committed a homicide, and as the defendants  
5 maintain, there's no suggestion here that CPR resulted  
6 in her -- in V.D.'s death.

7 So the suggestion here is that there's some  
8 period of time although these goalposts seem to have  
9 change and that's the essence of the claim here of this  
10 fabricated false testimony, not that the child died but  
11 that Michael Davis was responsible for this blunt-force  
12 trauma and a homicide when there was no evidence of it.

13 The only evidence that Dr. Sikirica knew in  
14 rendering his autopsy was what the police -- to answer  
15 your question before -- what they showed him and told  
16 him based on their interview with Michael Davis, which  
17 they acknowledge, did not give them probable cause to  
18 arrest.

19 THE COURT: All right.

20 MR. KLEIN: It's only when Dr. Sikirica takes  
21 that information and links it to this large hand that  
22 they then, you know, prosecuted Mr. Davis based on this  
23 bias cascade. So this information --

24 THE COURT: All right. So with regard to --  
25 I'm just trying to break this down. Okay? Dr. Sikirica

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1 does the autopsy, comes to a conclusion. Your doctor  
2 reviews the medical records, comes to a different  
3 conclusion, correct? Is it fair to say that reasonable  
4 medical professionals can disagree?

5 MR. KLEIN: Not in our view. Not in the view  
6 of our expert that --

7 THE COURT: Is your expert testifying that the  
8 conclusions that Dr. Sikirica -- were false, fraudulent  
9 or amounted to malpractice?

10 MR. KLEIN: Yeah, that's the essence of her  
11 testimony. That his -- his -- his medical --  
12 just as in the Thomas case, this was a -- without  
13 question in her mind to a reasonable degree of  
14 professional certainty a case of natural cause of death,  
15 and she absolutely disagrees that there's any other way  
16 to look at this.

17 THE COURT: But in Thomas, we have the five  
18 other doctors who have a different view with regard to  
19 that.

20 MR. KLEIN: Well, there were different -- it's  
21 very nuance, Judge. There's views about the fluid  
22 collection in the brain, about a hematoma, and there's  
23 views about the -- the spreading of the fontanel in the  
24 brain and the -- I believe it's called the -- the  
25 sutures of the brain, the brain -- of the skull

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1 swelling, whether that could be consistent with trauma.

2 It doesn't necessarily mean there was a trauma  
3 consistent with abuse. There's trauma that results from  
4 medical staff touching the child from postmortem  
5 contact, from blood filling up in the brain due to an  
6 overwhelming septic infection in that case resulting in  
7 meningitis. In this case, there's no evidence -- just  
8 like in that case, there's no evidence of any physical  
9 struggle. There's no bruising. There's no evidence --  
10 sign of any trauma whatsoever.

11 But what we have is this being classified as a  
12 homicide after a meeting with the police, further  
13 meetings with the police after they don't -- they  
14 concede they don't have enough to rope Mr. Davis in in  
15 this case, and then -- and efforts by the police to get  
16 Mr. Davis to give them more. To confess. They take him  
17 in the same room that they had Mr. Thomas in.

18 And then the officers conveying to prosecutors  
19 a story that is disputed, and I think that's really the  
20 thing here, as in the Davis case. The police will say  
21 we have this information written down that the plaintiff  
22 said this or that, and so they just merely pass that on.  
23 But the -- but that misses a crucial issue at this stage  
24 of the proceedings, Judge.

25 Plaintiff denies this information was ever

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1 said about the timing and such. But it created and it  
2 was material enough to be presented. It was influential  
3 enough to prosecutors that it resulted in the testimony  
4 being given based on statements made to prosecutors  
5 which gets outside of *Rehberg* that shows that  
6 Mr. Davis didn't have -- didn't have a credible story,  
7 and this was false and this was disputed and he was  
8 found innocent at trial.

9 So, when you take the conduct together,  
10 this initial determination of a homicide after speaking  
11 with the officers about their feelings about this,  
12 having no reason to think that Mr. Davis was anything  
13 but merely present when a child who was sick woke up  
14 unresponsive, completely disregarding the evidence of  
15 natural causes, of a natural cause of death, later  
16 conceding that if she died in extreme -- due to CPR from  
17 EMTs or Mr. Davis, that wouldn't be a homicide but  
18 maintaining that something happened here, resulting in  
19 this severe trauma and sticking to their story.

20 I think a jury could find that that is  
21 manufactured evidence in an effort to come up with a  
22 story that's consistent with the police theory of what  
23 happened here. It's --

24 THE COURT: A lot of speculation.

25 MR. KLEIN: I don't think so, Judge.

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1                   THE COURT: Let me ask you this, then. Were  
2 there any -- what meetings were there between what  
3 detectives and what police officers and Dr. Sikirica  
4 where they suggested to him that they make a certain  
5 finding? Do we have any evidence of that?

6                   MR. KLEIN: In terms of suggesting the -- only  
7 they were at the meetings and they discussed the --

8                   THE COURT: How many meetings were there?

9                   MR. KLEIN: There were at least -- there was  
10 one I believe a day after the -- the child was found  
11 dead, another one after Mr. Davis was interviewed within  
12 a couple of weeks after that, and then another one again  
13 in mid March and then there were meetings with  
14 prosecutors several months later when the autopsy was  
15 created.

16                  And this autopsy, again, I think, again,  
17 credibility issues was -- was drafted by someone who's  
18 working for many counties in Upstate New York, not just  
19 Rensselaer, conducting several hundred autopsies a year,  
20 testifies that each one takes days to do. And so based  
21 on that, those numbers, it would seem impossible for him  
22 to have been doing less than a few per day, and then he  
23 does a report months and months and months later.

24                  And they paint this picture of -- of -- after  
25 these -- tying Mr. Davis to this crime, A, when -- and

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1 Mr. Davis is -- in a light most favorable to Mr. Davis,  
2 there's no credible medical evidence of any crime. Even  
3 the officers found, I believe, gave a statement that it  
4 was his understanding when they made one last effort to  
5 talk to Mr. Davis in an interrogation room after the  
6 autopsy was finally issued months later that it was his  
7 understanding from speaking with Dr. Sikirica that  
8 Mr. Davis squeezed the child during CPR effort and broke  
9 the rib and caused the rib to lacerate the liver.

10 I don't think there's any question, the rib  
11 didn't lacerate the liver and that these injuries,  
12 again, per Mr. Davis' experts and I believe per  
13 Dr. Sikirica wouldn't have caused the death. So, there  
14 was this effort to get their man and to do what they had  
15 to do to get someone to get Mr. Davis responsible for  
16 this crime and it failed in this case and the Thomas  
17 case it succeeded until it failed.

18 But this is really a striking pattern. It's  
19 not a coincidence and, you know, we have a credible  
20 evidence of natural cause of death and no trauma in both  
21 cases and -- and extreme efforts to prosecute someone  
22 when there was no reason to believe that this person  
23 committed any crime.

24 THE COURT: All right.

25 MR. KLEIN: They say that he was calm, not

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1 acting like someone who just lost a child that he loved.  
2 He said he was distraught and crying. They say that he  
3 wasn't clear about the timing. He said he never said  
4 that and they paint this image of --

5 THE COURT: Those are factual issues in every  
6 criminal case I have ever had.

7 MR. KLEIN: Right, but they disputed factual  
8 issues. So for the defense to say here, as they did in  
9 our other case today, Thomas, well, they wrote down  
10 contemporaneously this or that so there's no evidence of  
11 the contrary, there is. Just want to state for the  
12 record these are disputed facts and they all together  
13 led to this malicious prosecution in violation of due  
14 process.

15 THE COURT: Okay. Thank you.

16 MR. KLEIN: Thank you, Judge.

17 THE COURT: All right. Anything further from  
18 the defense counsel?

19 Mr. Firth, anything further?

20 MR. FIRTH: Your Honor, all the points made by  
21 Brett are addressed in our brief.

22 THE COURT: Okay. Anything further from the  
23 state defendants?

24 MS. GIFFORD: I just wanted to briefly address  
25 the point about the conflicting statements in

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1 Mr. Klein's final point that they are disputed based  
2 upon Mr. Davis-Guider.

3 The plaintiff's mere conjecture and  
4 speculation surmise isn't enough to create the question  
5 of fact, and as my response to his material statements  
6 makes clear, there's significant corroborating evidence  
7 outside of what the police said was the version of  
8 events that they recall.

9 As a -- stated, we have statements from Miss  
10 Parker who corroborated the timing issue in her written  
11 statement to the police. There's pictures of the bed.  
12 There's the EMTs' own statements, which almost all of  
13 them agree that Mr. Davis-Guider appeared pretty calm,  
14 subdued. All of that evidence is before the Court.  
15 It's not simply just two versions of events from the  
16 plaintiff and the defendant.

17 There's significant other corroborating  
18 evidence that hasn't been addressed or discussed by the  
19 plaintiff or said to have been included in this scheme  
20 to frame his client. I just wanted to address that kind  
21 of misstatement in my thought.

22 THE COURT: Thank you. Thank you both. Thank  
23 you both -- all three of you -- four of you. So I  
24 appreciate the substance of this oral argument. We will  
25 go ahead and issue a decision on both cases in due

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1 course.

2 Is there anything further on behalf of the  
3 plaintiff you want me to address while we're here?

4 MR. KLEIN: Just one second, Judge. I will  
5 look at my notes. No, Judge, I think that's all for us.  
6 Thank you so much.

7 THE COURT: All right. On behalf of the  
8 county? Dr. Sikirica? Anything further?

9 MR. FIRTH: No, your Honor.

10 THE COURT: On behalf of the city, anything  
11 further?

12 MS. GIFFORD: No. Thank you, your Honor.

13 THE COURT: All right. Thanks, everybody.

14 (Proceeding concluded.)

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C E R T I F I C A T I O N

I, Lisa L. Tennyson, RMR, CSR, CRR, Federal Official Realtime Court Reporter, in and for the United States District Court for the Northern District of New York, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

/s/ Lisa L. Tennyson

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